

SPECIAL JOINT COMMISSION MEETING
OF THE LEON COUNTY BOARD OF COUNTY COMMISSIONERS/THE CITY OF LEON
COUNTY COMMISSIONERS/ AND THE LEON COUNTY SCHOOL BOARD

Tallahassee, Florida

May 22, 2006

The City Commission met in special session with the Board of Leon County Commissioners (County Commission) and the Leon County School Board (School Board) on May 22, 2006, in the City Hall Commission Chamber. Present were City Commissioners Marks, Lightsey and Gillum; County Commissioners DePuy, Thael, Sauls, and Rackleff; and School Board Members Sheila Costigan (Chair), Fred Varn, Maggie Lewis, Joy Bowen and Dee Crumpler. Also present were School Board Superintendent and Ex-Officio Secretary William Montford, School Board Attorney Jeff Wahlen, County Attorney Thiele, County Administrator Alam, Assistant City Manager Wright and Assistant City Attorney Hurst.

Superintendent Montford called the meeting to order at 3:12 p.m. and expressed appreciation to the City and County Commissions for meeting with the School Board.

INTRODUCTORY COMMENTS

Superintendent Montford recognized the following staff members who were available to answer questions:

Mr. Paul Byrd, Executive Director for Facilities Planning and Construction (LCS)
Dr. Jon H. Cramer, Director of Facilities Systems (LCS)
Dr. Jim Croteau, Assistant Superintendent for Business Services, Leon County Schools (LCS)
Dr. Barbara Wills, Executive Director for Planning and Policy (LCS)
Mr. Wayne Tedder, Director, Tallahassee-Leon County Planning Department (TLCPD)
Mr. Fred Goodrow, Comprehensive Planning Division Manager (TLCPD)
Mr. Dan Lucas, Senior Planner (TLCPD)
Mr. Ed Young, Graphics and Research Division Manager (TLCPD)
Mr. David McDevitt, Director of Growth and Environmental Management, Leon County
Mr. Tony Park, Director of Public Works, Leon County

On behalf of the City Commission, the County Commission and the School Board, Superintendent Montford thanked the staff of the three governments for their hard work and for getting them this far along in the process of bringing local government into compliance with new growth management legislation for school facility planning. He stated that the intent of this meeting was to provide some direction based on the recommendations that had been developed as the result of meetings of staff representatives from the City and County Growth Management Departments, the Planning Department, the School Board, and the attorneys for each of the three governing bodies.

Superintendent Montford recognized Attorney Cari Roth, consultant on growth management legislation, and thanked her for assisting in this effort.

AGENDA MODIFICATIONS

There were no modifications to the published agenda.

City Commissioner Mustian entered the meeting at 3:15 p.m.

UPDATE ON PUBLIC SCHOOL FACILITY PLANNING

Attorney Cari Roth complimented the staff of the three governing agencies for working well together, and she introduced members of her staff: Attorneys Suzanne VanWyke and Theresa Proctor. She stated that she and her staff had been working for the past four months with the governmental working group on developing prospective changes that would ensure local government was in compliance with Senate Bill 360/2005 Growth Management Legislation for Public School Facility Planning.

Ms. Roth gave a Power Point presentation on the major requirements of this new legislation addressing school planning, including updating the Interlocal Agreement between the three governing bodies as well as amending the Comprehensive Plan by changing the Education Element to a Public School Facilities Element, updating the Interlocal Coordination Element, and updating the Capital Improvements Element (CIE) so that it complied with new School Concurrency Requirements and the School District's Five-Year Work Plan was incorporated into the CIE. She reviewed the timeframe for adopting both a new interlocal agreement and needed Comprehensive Plan amendments no later than September 1, 2008, and advised that a grant received from the Florida Department of Community Affairs (FDCA) accelerated the schedule for updating the interlocal agreement to September 1, 2006, thereby requiring approval by the County and City Commissions at their respective meetings scheduled for August 22 and 23, 2006, with the school concurrency to be effective upon adoption of the Interlocal Agreement and Comprehensive Plan amendments.

Ms. Roth discussed legislative requirements for the updated Interlocal Agreement, including:

- consistent population projections
- information sharing and participation in school facility site selection, renovations and closures
- information sharing and participation in local government development decisions
- joint use of school and local government facilities such as libraries and recreational facilities
- evaluation of effectiveness of Comprehensive Plan amendments on school capacity, and identification by School District of how school demand was met by the Five-Year School Facilities Work Plan
- procedures for implementing school concurrency, including process and timing for the adoption of Comprehensive Plan changes
- school concurrency defined as: adequate school facilities in place or under actual construction within three (3) years after issuance of subdivision or site plan approval

Mayor Marks clarified with Ms. Roth that school concurrency would be triggered any time a development was approved, i.e., site plan, subdivision, as there was no minimum size, but would

not apply to a single residential lot while the development of two lots could trigger school concurrency. He also confirmed that the interlocal agreement was scheduled for approval by the governing bodies in August, with the City Commission to address the issue on August 23, 2006.

Ms. Roth clarified that upon reviewing the recommendations, the staff would need some direction from the Commissions/Board on the major issues in terms of whether to proceed as recommended or to proceed with amendments or to start over. She stated that based on the direction given, she and her staff would work with the staff working group on an amendment to incorporate those changes to the existing Interlocal Agreement.

Ms. Roth discussed the new legislative requirements for implementing school concurrency, summarized as follows:

- establish levels of service (LOS) for schools
 - must be uniform and District-wide
 - Florida Inventory of School Houses (FISH) was the standard measuring tool used by the Florida Department of Education (FDOE)
 - Options:
 - FISH capacity
 - FISH plus any availability in dining capacity
 - FISH adjusted for programmatic changes such as double sessions, year-round schools
 - Permanent program capacity for each school type
 - Begin with percentage of capacity over 100%, then reduce percentage to 100%
- establish concurrency service areas
 - may be District-wide at beginning of school concurrency, but must be less than District-wide within five (5) years
 - Options:
 - District-wide
 - Middle School Attendance Zones
 - Planning areas (unrelated to school attendance zones)
 - Attendance Zones for each school
- establish a proportionate share methodology

- ☐ Statute requires the interlocal agreement contain options for developers to satisfy concurrency by providing mitigation proportionate to the demand for schools created by development
 - ☐ recommended methodology: proportionate share = $[(\text{Development Students} - \text{Available Capacity}) \times \text{cost per student station}]$
 - ☐ estimating student generation
 - ☐ student generation tables developed by School District
 - ☐ based on location and type of development
 - ☐ formulated on actual experience in Leon County
 - ☐ cost per student station
 - ☐ includes all costs associated with construction, furnishing and equipping a school, and site improvement costs; it does not include land costs or offsite improvements
- establish mitigation options
 - ☐ contribution of land
 - ☐ payment for land acquisition
 - ☐ construction of new or expansion of existing public school facility
 - ☐ portables meeting current code standards where core capacity available
 - ☐ developer-established mitigation banks
 - ☐ Code Compliant Charter School construction
- use of proportionate share mitigation
 - ☐ School Board must direct mitigation toward a school capacity improvement
 - ☐ school capacity improvement must be identified in a "financially feasible" five-year District work plan
 - ☐ must satisfy the demands created by that development
- summary of recommended process
 - ☐ Comprehensive Plan changes and rezonings that increase residential density are evaluated for potential school impacts on school capacity by same standards as concurrency analysis
 - ☐ concurrency analysis done at site plan or subdivision application

- ☐ form with analysis of student generation and available capacity submitted by applicant and reviewed by the School Board
- ☐ School Board participate in Development Review Committee (DRC) consideration
- ☐ if capacity not available within three (3) years, applicant and School Board negotiate Development Agreement within mitigation parameters established in Interlocal Agreement
- ☐ County or City execute Development Agreement if consistent with Interlocal Agreement parameters

Discussion focused on the LOS in the schools. Mr. Byrd advised that over 25% of the schools in this community were at or over 100% capacity, and maps were available to indicate those individual school sites. County Commissioner Rackleff **requested that copies of the maps be distributed to members of the three governing bodies.**

Discussion centered on defining the school concurrency service areas. Mr. Byrd opined that selecting the recommended option of school attendance zones would lead to the easiest, most manageable focus and permanent capacity. He further opined that local government would lose its ability to direct growth with the District-wide option, and a District-wide option would be difficult to implement due to inconsistency with State law requirements, including the School Choice Law and the No Child Left Behind Law, noting that by state law capacity could not be a factor in students being accepted in the schools.

City Commissioner Lightsey opined that the inconsistencies in growth management legislation ought to be voiced, and she **suggested that this governing group was obligated to at least convey a policy statement in some fashion to the various levels of federal and State government regarding the dilemma that these rules were causing at the local level.**

Superintendent Montford advised that such message had already been sent at both the federal and State level, although the Leon County School District was the only district in the State of Florida that had met the Adequate Yearly Progress federal standards two years in a row at the district level. He opined that sending forward a statement from this joint governing entity would likely have greater impact and **requested that the staff group prepare such a statement.**

Commissioner Lightsey suggested that the statement should be signed by each local elected official and sent to all of the governmental lobbyists, the Secretary of Education on the federal level, the President, members of Congress, the Governor, and to the staff on the Education Committees in Florida so that they could understand what was happening at the local level. Mayor Marks indicated his concurrence and brief discussion continued in this regard.

Ms. Roth advised that she understood the Senate would be undertaking an interim project on this issue, but opined that in the meantime local government needed to move forward with the new regulations that were in place. She stated that updating the Interlocal Agreement was the first step in a two-step process and January 2008 was recommended as the target date for implementation of the remaining issues, which allowed some time for the Legislature to hopefully clarify some of these inconsistencies at the State level.

School Board Member Varn clarified that the School Board had attempted to take some action on these regulatory inconsistencies, noting that he had personally written to the Governor and to the President, and had received a form letter response from the Governor and no response

from the President. He stated that some of the School Board Members had also contacted certain Congressmen in this regard.

With regard to the recommendation to establish LOS for schools at 100% FISH capacity for all three (3) school levels, Mayor Marks inquired if that was the permanent LOS or the LOS on a certain date. He questioned if portable facilities were considered part of the permanent LOS or if it pertained only to the core capacity that was built for the schools without portable additions. Dr. Cramer advised that the LOS applied to permanent capacity, which must be code compliant, weather resistant, and hurricane resistant. He explained that by Board policy, portables were temporary facilities provided to meet temporary glitches in growth patterns or to relocate students during construction renovation/remodeling at a school, and such portables were included in the permanent LOS only under special circumstances.

Ms. Roth discussed the allowance of a proportionate share methodology for developers to satisfy school concurrency based on students from the development, less the available capacity in the schools, times the cost per student station.

Discussion focused on the cost per student station. County Commissioner Sauls clarified with staff that the cost of the student stations were based on data established annually by the Florida Department of Education, which was specific to elementary, middle and high schools. Ms. Roth described the actual school costs as running approximately 20% below the student station cost that was adopted in the budget by the Legislature.

City Commissioner Lightsey clarified with Ms. Roth that charter schools were required by law to meet the same academic standards as public schools. Ms. Roth added that the recommendation was to require that they meet the same code standards as any other public school in the School District in the event it became necessary for the School District to take over that school.

City Commissioner Gillum confirmed with Ms. Roth that developers would be allowed to pay their way out of school capacity issues with the funds used for capacity improvements in the area where it had the greatest impact. Brief discussion continued relative to the establishment of mitigation banks and Ms. Roth clarified that the funds must be used for a school capacity improvement that was identified in the District's five-year work plan.

Ms. Roth distributed examples of the application of pro-rata share of school concurrency for various developments already approved using the recommended process, which had been prepared by LCS Planning and Policy (*on file in the Office of the City Treasurer-Clerk*).

Dr. Barbara Wills, Executive Director for Planning and Policy, LCS, appeared before the Commission and reviewed the examples demonstrating how a development's pro-rata share of school concurrency was established. Discussion continued in this regard.

Commissioner Gillum clarified with Ms. Roth that the staff group and the FDCA interpreted the law to require that before a development order could be issued, the additional school capacity must be met in the School District's five-year plan.

Discussion continued and Dr. Cramer pointed out that the application of pro-rata share for a development's school concurrency mitigation would increase school capacity, and no other development could claim the additional capacity paid for by that development.

City Commissioner Lightsey confirmed with Ms. Roth that this was analogous to what was done when developers paid for concurrency reservation and a developer could not get a capacity reservation unless there was a capacity improvement included in the five-year plan, which was what was occurring with transportation concurrency as a result of this same Senate Bill 360 legislation. Ms. Roth added that the law was much more explicit on transportation concurrency than it was for school concurrency.

County Commissioner Thaeli recalled the community discussion when transportation impact fees were imposed and there had been a strong community backlash wherein the citizens had presented a strong argument by that those fees should be repealed, because the revenues from those fees had not been used effectively to improve roads in the surrounding areas. He stated that rather than fixing the problem, the impact fees had been repealed and he believed that had been done at a price to the community over the years, noting that this was a strong argument for not building up school concurrency mitigation funds without having an accurate and effective plan to spend those funds.

County Commissioner Thaeli questioned if the payment of the school concurrency mitigation could be made in phases with the development phases, or if that would be worked out in the interlocal agreement. Ms. Roth stated that the current concurrency payments were collected at the time the subdivision or site plan was approved, and she opined that there was flexibility to work out a phased payment process in the development agreement while that would involve issues of collection. Noting that inflation would also be a factor, County Commissioner Thaeli opined that this was an issue that should be taken into consideration.

Additional discussion focused on establishing the pro-rata share of school concurrency mitigation.

County Commissioner Sauls ascertained from Dr. Cramer that the cost per student station included the proportionate share of the core school facility and furnishings that were being added.

City Commissioner Gillum questioned if there was any provision for exemptions, in light of the City's attempts to spur growth in the downtown of high intensity units where there was no school capacity, and Ms. Roth opined that the intent of the Legislature was to try to encourage discussion about local government's land use objectives along with school planning, noting that part of the downtown strategy could include something like converting a facility to a charter school.

Dr. Cramer pointed out the calculations of the potential student impact would vary by locations and the impact of a high rise apartment building in the downtown on the generation of students would be considerably less than in some other areas.

Ms. Roth advised that the staff group had also discussed multi-family within the University Transition areas that were generally targeted to student development and adults only developments targeted to the over-55 population as developments that could be expected to generate very few school age children.

Mayor Marks clarified with Ms. Roth that the working group envisioned that the funds collected by the City or the County for a particular development would be turned over to the School Board to be used in its capital construction program so that it would serve that development, creating the capacity that was paid for.

Dr. Cramer opined that there was some flexibility where some of the funds could be applied to another level, i.e., to the high school level, while giving credit at another level, i.e., the elementary level.

Ms. Roth clarified that the funds must be used to create student capacity and could not be used on an administrative facility.

School Superintendent Montford pointed out these were only examples and, at this point, he requested that Dr. Croteau report on the School Board's action taken the previous week to add more capacity.

Dr. Croteau advised that the School Board had authorized staff to seek a Certification of Participation that would add \$62 million of new construction to the School District that would generate over 2,500 classroom primarily in the east and northeast and some in the southern part of the community, and those funds, if classroom funds were received from the bonded funds for class size reduction, would be directed to add capacity as well and that would expand the pool of classrooms. He briefly discussed the problem of balancing the addition of capacity for schools that were already over capacity against the vested developments that would require student capacity, and he clarified that these school concurrency mitigation funds were supplemental to the School District's funds.

Commissioner Lightsey questioned the timeline for constructing new school capacity, and Dr. Cramer advised that once a site was obtained, a minimum of one year was required for construction assuming there were no complications.

County Commissioner Thael inquired as to recreational fields and other aspects of school growth, and School Superintendent Montford clarified that new school capacity included all aspects of school growth including the ballfields. Ms. Roth added that it was her understanding that the cost per student space included all requirements associated with building a school, i.e., classroom space, cafeteria space, recreational space.

Ms. Roth advised that the law also allowed the option of providing for long-term concurrency management system, which could extend out to ten (10) years, as an alternative if a five-year program was not financially feasible. Discussion continued in this regard and Commissioner Lightsey requested clarification of how that long-term schedule could be implemented.

Ms. Roth clarified that a long-term concurrency management plan would require a good financial plan.

County Commissioner Rackleff pointed out the need to define types of housing that could be expected to generate established numbers of children and Dr. Cramer concurred that it was important to have a legally defensible strategy for projected the numbers of potential students from a development, much like the establishment of concurrency for transportation, involving establishing tables based on history and defensible factors, i.e., number of bedrooms, square footage, size of lot, location. He stated that this information would be prescribed as part of the Education Element of the Comprehensive Plan and the staff anticipated using ongoing experience as a way of updating that information over periods of time, with an oversight committee to ensure that it was moving in the right direction. Ms. Roth added that local government would evaluate those generation figures at some point during the rezoning, site plan, or subdivision stage.

County Commissioner Rackleff clarified with Ms. Roth that the surrounding counties would be required to meet the same school concurrency requirements. He opined that this could be an opportunity to help equalize the cost of housing between Leon County and Wakulla County or other adjacent counties.

City Commissioner Mustian stated that he understood that these changes were necessary to meet the legal requirements of state law and delaying implementation could have more impact.

Ms. Roth advised that each local government had some room for variability in the factors presented with the options.

City Commissioner Mustian observed that at least in parts of the community in Tallahassee and Leon County, the days of developers not being required to pay any costs towards schools were over, as they had been over in other parts of the state for some time. He stated that as shown by the pro-rata share examples, some parts of the community with available capacity would not be required to pay any school concurrency mitigation.

City Commissioner Mustian opined that the larger impact beyond the school system was to affordable housing because these school concurrency fees would increase the cost of housing, and he suggested that the challenge for the City and County governments was to increase their efforts in those areas to obtain some affordable housing if these new growth management requirements were moving in the opposite direction.

School Board Chairman Costigan concurred with County Commissioner Rackleff's observation that this investment in the schools on the south side would help stop the relocations of families to Wakulla County and other adjacent counties, and this would allow LCS to perpetuate those enrollments.

County Commissioner DePuy and City Commissioner Mustian announced the need to leave and questioned if their votes were needed.

Ms. Roth clarified that the options and recommendations were presented for some direction so that the working group could bring back an interlocal agreement for the three governing bodies to vote on in August.

Superintendent Montford requested that City Commissioner Mustian provide an update on the acquisition of the Bloxham Building, a surplus state property that was at a prior time the Caroline Brevard Elementary School, for potential use as a downtown school.

City Commissioner Mustian advised that he, Superintendent Montford, County Commissioner DePuy, Representative Ausley, and Dr. Law – President of the Tallahassee Community College (TCC), had been working on the acquisition of surplus state properties in the downtown area, particularly the Bloxham Building with the goal of turning that building back into a downtown school. He reported that there were some logistical problems, one being that the appraised value provided by the State was more than local government wanted to pay for the property, and they were attempting to explore other options with the State. City Commissioner Mustian advised that one potential option under consideration would be to ask the Downtown Community Redevelopment Agency (CRA) to fund the purchase price with the understanding that the School Board would do the construction, and some agreement needed to be reached on how the downtown school would be funded prior to taking an acquisition proposal to the State.

County Commissioner DePuy opined that this would serve as an anchor for some of the ideas for the use of surplus state buildings in the downtown while the other surplus state buildings would be desirable for the private sector, which would help the tax base.

County Commissioner Thaeli observed that a large amount of vested property in the County would not fall under these new growth management mandates, and he suggested that the City and County governments give some consideration to addressing those vested properties so that they would lose their vested rights and be placed under the provisions of these mandates if they were not developed within a specified period of time.

City Commissioner Lightsey stated her concurrence with County Commissioner Thaeli's suggestion, and she **requested that the City and County staff provide a report on what had been done and what could be done regarding those vested properties.** She pointed out some of the new development proposals were willing to pay concurrency mitigations costs yet they were being held up by some of the old vested trips for that had paid no mitigation costs in many instances.

County Commissioner Thaeli advised that the County had previously divested residential lots but not platted lots.

School Board Chairman Costigan observed that one of the recommendations was for the City and County staff to provide vested information on approved, unbuilt subdivisions by early Fall to the School Board staff, and Ms. Roth clarified that the interlocal agreement would set that direction.

Brief discussion focused on process and Ms. Roth stated the need for some direction. The consensus of the three governing bodies was to take a collective vote on the recommendations.

On behalf of the City and County Commissions and the School Board, County Commissioner Thaeli **moved to support staffs' recommendations 1.a, 1.b, 1.c, 1.d, 1.e, and** County Commissioner Rackleff seconded the motion. **The vote of the three governing bodies was as follows, supporting the following recommendations:**

AYE: City Commissioners, Marks, Lightsey, Mustian and Gillum; County Commissioners DePuy, Sauls, Thaeli and Rackleff; School Board Members Costigan, Varn, Lewis, Bowen and Crumpler

NAY: None

ABSENT: City Commissioner Katz, County Commissioners Proctor, Winchester and Grippa

Coordination/Consensus:

Recommendation 1.a:

Use of mid-range population projections from the Bureau of Economic and Business Research (BEBR) at the University of Florida

Recommendation 1.b:

The School Board to distribute the draft educational plant survey and information concerning the financial feasibility of the five-year draft district facilities plan to City/County by May 15th of each year; the City/County staff to provide comments 45 days prior to the School Board's annual workshop, which is scheduled in mid-July

Recommendation 1.c:

Five-year facilities plan to be adopted by reference in the Capital Improvement Element (CIE) of the City-County Comprehensive Plan following adoption by the School Board each year

Recommendation 1.d:

Utilize the existing process set forth in the City/County Sewer and Water Agreement

Recommendation 1.e:

Retain current School Board representation on Planning Commission, to review all Comprehensive Plan amendments and rezonings; expand function of the review to include impact of all Plan amendments and rezonings to residential categories on school capacity within the impacted concurrency service area; City/County staff to develop needed forms in cooperation with School District staff

On behalf of the City and County Commissions and the School Board, County Commissioner Thael moved to support staffs' recommendation 2 and upon second by County Commissioner Rackleff, the vote of the County Commission was as follows, supporting the following recommendation:

AYE: City Commissioners, Marks, Lightsey, Mustian and Gillum; County Commissioners DePuy, Sauls, Thael and Rackleff; School Board Members Costigan, Varn, Lewis, Bowen and Crumpler

NAY: None

ABSENT: City Commissioner Katz, County Commissioners Proctor, Winchester and Grippa

School Siting:

Recommendation 2:

Update sections 3 and 4 of the current interlocal agreement to meet new statutory requirements, especially establishing a process for the development of siting criteria which encourages the location of public schools proximate to urban residential areas to the extent possible and seeks to co-locate schools with other public facilities such as parks, libraries, and community centers to the extent possible

On behalf of the City and County Commissions and the School Board, County Commissioner Thael moved to support staffs' recommendations 3.a.1, 3.a.2, 3.b.1, 3.b.2, 3.b.3, 3.b.4, 3.b.5, 3.b.6, 3.b.7 and 3.c. County Commissioner Rackleff seconded the motion, and the vote of the three governing bodies was as follows, supporting the following recommendations:

AYE: City Commissioners, Marks, Lightsey, Mustian and Gillum; County Commissioners DePuy, Sauls, Thael and Rackleff; School Board Members Costigan, Varn, Lewis, Bowen and Crumpler

NAY: None

ABSENT: City Commissioner Katz, County Commissioners Proctor, Winchester and Grippa

Concurrency:

Recommendation 3.a.1:

$PS = ((\text{Development Students} - \text{Available Capacity}) \times \text{Cost per student station}^*)$

Development students = students generated by development that are assigned to a particular school

Cost = Department of Education (DOE) published cost per student station*

Available Capacity = School capacity – (Enrollment + Vested)

Recommendation 3.a.2:

City and County Staff to generate vested numbers for School Board staff based upon approved, unbuilt subdivisions, by early Fall

Recommendation 3.b.1:

Sharing of information and analysis for concurrency purposes occurs at application for development order – subdivision and site and development plan for both City and County

Recommendation 3.b.2:

City to add School Board representative on Development Review Committee (DRC)

Recommendation 3.b.3:

City and County to amend current concurrency policy manual to authorize collection of proportionate share contributions and to require the procedures in Recommendation 3.b.4

Recommendation 3.b.4:

Applicant to complete School Impact Analysis for review by School Board staff with report to City or County growth management (two-week turnaround time for School Board staff); City and County to consider School Board report and incorporate the School Board's findings on the following:

- 1) number of students generated by the proposed development for the concurrency service area(s) impacted (School Board has projections based on actual experience),
- 2) analysis of available capacity in each school service area, and
- 3) whether proportionate share mitigation is required of applicant.

City/County may issue development order contingent upon completion of mitigation required in development agreement.

Recommendation 3.b.5:

Mitigation reflected in a Development Agreement (not a Ch. 163 agreement); School Board negotiates agreement with applicant; City Manager/County Administrator or his or her designee to execute agreement on behalf of City/County

Recommendation 3.b.6:

School District to hire or otherwise devote one FTE staff to perform the analysis function and be point person for negotiating mitigation agreements with applicants

Recommendation 3.b.7:

Authorize the following mitigation options:

- i. Contribution of land acceptable to the School Board
- ii. Payment for land acquisition
- iii. Construction of new or expansion of an existing public school facility acceptable to the School Board
- iv. Developer-established mitigation banks, including both construction of schools and acquisition of land
- v. Accept only District-owned, portables meeting SREF standards where core capacity is available
- vi. Accept charter school only if it is built to SREF standards and reverts to District ownership upon closure

Recommendation 3.c:

Define concurrency service areas and establish mandatory adoption process less than district-wide – school attendance zones, as adjusted by the School Board

Commissioner Gillum clarified with Ms. Roth that the new law was silent on the issue of small-scale developments with a financial or land contribution where land constrictions did not allow additional capacity to be built.

Ms. Roth discussed the recommendation that the School Board negotiate a development agreement in cases where there was no capacity, which could involve authorizing the City and the County to issue a development order contingent upon completion of the mitigation.

Mr. Tedder advised that he would expect school concurrency to be treated the same as transportation concurrency, that is, the need for additional capacity must be addressed if a development triggers overcapacity in a school or a roadway.

City Commissioner Lightsey requested an update on how the local governments in adjoining counties, in which the growth patterns impacted Tallahassee and Leon County, were addressing this new growth management legislation. She suggested that an attempt be made to establish some communication process with those counties so that those counties and Leon County could move forward together on this school concurrency issue, similar to the way the Wakulla Springs and central sewer/septic tank issues were being addressed with all involved entities moving in the same direction and with the same level of economic impact for environmental protection. Superintendent Montford requested that the working staff group bring back a specific recommendation in this regard.

County Commissioner Sauls observed that there was no quorum (since some Commissioners had to leave) and Mayor Marks confirmed that a quorum was not needed to

provide staff direction. Ms. Roth explained that the action items would be presented in August 2006.

The vote of the three governing bodies on the motion on the floor was as follows:

AYE: City Commissioners, Marks, Lightsey and Gillum; County Commissioners Sauls, Thael and Rackleff; School Board Members Costigan, Varn, Lewis, Bowen and Crumpler

NAY: None

ABSENT: City Commissioner Katz and Mustian, and County Commissioners Proctor, DePuy, Winchester and Grippa

On behalf of the City and County Commissions and the School Board, County Commissioner Thael moved to support staffs' recommendations 4.a, 4.b and 4.c. County Commissioner Rackleff seconded the motion and the vote of the three governing bodies was as follows, supporting the following recommendations:

AYE: City Commissioners, Marks, Lightsey, and Gillum; County Commissioners Sauls, Thael and Rackleff; School Board Members Costigan, Varn, Lewis, Bowen and Crumpler

NAY: None

ABSENT: City Commissioner Katz and Mustian, County Commissioners Proctor, DePuy, Winchester and Grippa

Level-of-Service Standards:

Recommendation 4.a:

Level-of-service (LOS) standards must be uniform and district-wide: 100% of Florida Inventory of School Houses (FISH) capacity for elementary, middle and high schools

Recommendation 4.b:

The LOS standards will be adopted into the CIE of the City/County Comprehensive Plan; annual amendments will be considered through the Coordinating Committee

Recommendation 4.c:

School Board to annually compare projected students to available capacity within each school service area over the five-year period; make recommendations for changes through Coordinating Committee (see Recommendation 6)

On behalf of the City and County Commissions and the School Board, County Commissioner Thael moved to support staffs' recommendations 5.a and 5.b. School Board Member Costigan seconded the motion and the vote of the three governing bodies was as follows, supporting the following recommendations:

AYE: City Commissioners, Marks, Lightsey, and Gillum; County Commissioners Sauls, Thael and Rackleff; School Board Members Costigan, Varn, Lewis, Bowen and Crumpler

NAY: None

ABSENT: City Commissioner Katz and Mustian, County Commissioners Proctor, DePuy, Winchester and Grippa

Initial Comprehensive Plan Amendments:

Recommendation 5.a:

City and County to coordinate with School Board staff on revisions and processing; January 8, 2008 is goal for adoption of the Public School Facilities Element of Comprehensive Plan by the Commissions

Recommendation 5.b:

City and County staff to coordinate with School Board staff and adopt first CIE update with Public School Facilities Element by January 8, 2008, and annually thereafter

On behalf of the City and County Commissions and the School Board, County Commissioner Thael moved to support staffs' recommendation 6. School Board Member Costigan seconded the motion and the vote of the three governing bodies was as follows, supporting the following recommendation:

AYE: City Commissioners, Marks, Lightsey, and Gillum; County Commissioners Sauls, Thael and Rackleff; School Board Members Costigan, Varn, Lewis, Bowen and Crumpler

NAY: None

ABSENT: City Commissioner Katz and Mustian, County Commissioners Proctor, DePuy, Winchester and Grippa

Oversight and amendment:

Recommendation 6:

Keep annual joint Board/Commission meetings

Appoint one member each from the Commissions and the Board to form a Coordinating Committee; the Committee to meet twice per year (according to Comprehensive Plan amendment cycles), or more often, as needed, to address the following:

- 1) Changes to the process for sharing information on planned school facilities and City/County participation in the five-year Capital Facilities Plan;
- 2) Changes to the adopted LOS standards;
- 3) Changes to the school concurrency service areas;
- 4) Monitoring of the concurrency management system;
- 5) Changes to the Interlocal Agreement;
- 6) Amendments to the CIE, Public School Facilities Element, or Interlocal Coordination Elements of the City/County Comprehensive Plan;
- 7) Effectiveness of School Concurrency Implementation; and

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8) Staffing, data and research needs.

The Committee shall issue a report with recommended changes to each respective Board or Commission within 60 days of each meeting.

Each Board/Commission appoints one citizen member to the Coordinating Committee

Superintendent Montford requested that the staff working group also bring back some recommendation on how the three governing bodies could include all aspects of the community and ensure that the public was fully informed on these issues.

County Commissioner Thaeli announced the County was holding a Development Summit on June 7, 2006, and much of this would be discussed at that time.

County Commissioner Rackleff reiterated his request for copies of the display maps to be provided to all Commissioners/Board members.

The three governing bodies concurred in congratulating the staff for an informative and useful presentation

ADJOURNMENT

The meeting was adjourned at 4:40 p.m.

BILL PROCTOR
CHAIRMAN

ATTEST:

Bob Inzer, Clerk of the Circuit Court